THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION No.23585 OF 2005

–

Dt: 25.11. 2005

Between:

Smt A.Vijaya Laxmi

.. Petitioner

AND

The Government of A.P.

rep. by its Principal Secretary,

School Education Department,

Hyderabad and others

.. Respondents

ORDER:

The petitioner was appointed as a Dance Instructor in Jawahar Bal Bhavan, Gadwal, Mahaboobnagar District, on 01.11.1995. On the ground that she has suffered some ill-health, she made a representation in the year 2001, seeking transfer to a different place stating that she is unable to discharge the functions of a Dance Instructor. Acceding to her request, she has been posted to Jawahar Bal Bhavan, Hyderabad, 2nd respondent, against a vacancy of Junior Assistant. Through the impugned order, dated 29.10.2005, she is transferred as Dance Instructor, Bal Bhavan, Gadwal. She challenges the same.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

The challenge to the impugned order by the petitioner is two fold. She states that she has not been paid the arrears of salary for the past two years and that she is unable to discharge the functions of Dance Instructor. So far as the first aspect is concerned, this Court passed an interim order on 02.11.2005, and it is reported that the arrears of salary have since been paid to the petitioner.

As regards the second aspect of the matter, this Court finds it difficult to accept the contention of the petitioner. She has been appointed against a post of Dance Instructor with a specific object of imparting training to the intending children. Once she has occupied the post, she cannot be permitted to work against any other vacancy. If she is unable to perform her duties, either her services are to be terminated, or if possible, she has to be accommodated against any vacancy, duly paving the way for appointment of another person as Dance Instructor. The continuation of the petitioner against a vacancy of Dance Instructor and permitting her to function against another post would defeat the very purpose of running the institution.

For the foregoing reasons, the writ petition is disposed of, directing that the petitioner shall have to report to the transferred place. So far as the request of the petitioner is concerned, the respondent shall consider the same, and if there exists any vacancy, the petitioner shall be adjusted against it, if permissible in law, duly paving the way for appointment of a fresh incumbent against a post of Dance Instructor. There shall be no order as to costs.

_____

L.NARASIMHA REDDY,J

Date:25.11.2005

TS